

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 DAVID ALAN COHEN,

7 Defendant

Case No.: 2:17-cr-00114-APG-CWH

**Order Regarding the Parties' Designations  
of Portions of Two Voluntary Statements  
and Objections**

[ECF No. 319]

8 The Government has designated as trial exhibits portions of Mr. Cohen's two statements  
9 to the police. ECF No. 315. Mr. Cohen submitted counter-designations and one objection. The  
10 Government filed a response to Mr. Cohen's submittal. ECF No. 319. Below are my rulings on  
11 these issues.

12 Statement 1 (ECF No. 319-1), Page 21

13 The Government's objection is sustained. Mr. Cohen's proposed designation is  
14 inadmissible hearsay and not admissible under the rule of completeness. This portion of the  
15 transcript is excluded.

16 Statement 2 (ECF No. 319-2), Pages 6-8

17 The Government does not object to Mr. Cohen's designations, but requests to add  
18 additional designations on page 6. That request is granted. The additional material may be  
19 included.

20 Statement 2 (ECF No. 319-2), Page 21 (top of page)

21 I will rule on the Government's objection to this designation after I hear from Mr. Cohen  
22 regarding its relevance.

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1        Statement 2 (ECF No. 319-2), Page 21 (bottom of page)

2        The Government does not object to Mr. Cohen's designations, but requests to add an  
3 additional designation at the bottom of page 22. That request is granted. The additional material  
4 may be included.

5        Statement 2 (ECF No. 319-2), Page 29

6        The Government does not object to Mr. Cohen's designations, but requests to add  
7 additional designations on pages 28 and 29. That request is granted. The additional material  
8 may be included.

9        Statement 2 (ECF No. 319-2), Page 37

10       I will rule on the Government's objection to this designation after I hear from Mr. Cohen  
11 regarding its relevance.

12       Statement 2 (ECF No. 319-2), Pages 38-39

13       The Government's objection is sustained. Mr. Cohen's designation is inadmissible  
14 hearsay and not admissible under the rule of completeness.

15       Mr. Cohen's objection to Government's designation of Statement 2 (ECF No. 319-2),  
16 page 22.

17       I will rule on this objection after I hear from the parties.

18       DATED this 16th day of November, 2018.

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21       ANDREW P. GORDON  
22       UNITED STATES DISTRICT JUDGE  
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